

REMARKS

The Examiner is thanked for the thorough review and consideration of the pending application. The Final Office Action dated September 16, 2009 has been received and its contents have been carefully reviewed.

Summary of the Office Action

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) being unpatentable over U.S. Publication No. 2002/0118327 to *Um et al.* in view of U.S. Patent No. 6,937,356 to *Ito et al.*, U.S. Patent No. 6,853,841 to *St. Pierre*, U.S. Patent No. 5,469,272 to *Kubota et al.*, and U.S. Patent No. 5,818,364 to *Hintzman et al.*

Summary of the Response to the Office Action

Claims 1-13 are currently pending for reconsideration. Applicant has amended claims 1, 2, 6, and 10 to correct an apparent error. The amendments are supported by the specification at page 10 line 16 – page 11 line 18, for example. Because these amendments merely correct an apparent error without raising new issues, Applicant respectfully submits that these amendments should be entered at this time.

All Claims Define Allowable Subject Matter

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) being unpatentable over U.S. Publication No. 2002/0118327 to *Um et al.* in view of U.S. Patent No. 6,937,356 to *Ito et al.*, U.S. Patent No. 6,853,841 to *St. Pierre*, U.S. Patent No. 5,469,272 to *Kubota et al.*, and U.S. Patent No. 5,818,364 to *Hintzman et al.* Applicant respectfully traverses the claim rejections for at least the following reasons.

With respect to independent claims 1, 2, 6, and 10, as amended, Applicant respectfully submits that *Um et al.*, *Ito et al.*, *St. Pierre.*, *Kubota et al.*, and *Hintzman et al.*, whether taken

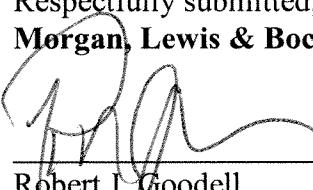
alone or in combination, do not teach or suggest the claimed combination including at least the feature of “a marker indicating that the still image file is a file of a progressive JPEG format.” The Office Action acknowledges that the combination of *Um et al.*, *Ito et al.*, *St. Pierre*, and *Kubota et al.*, fails to teach a condition for determining that the still image file is the still image file that is compressed in the decodable format to the body, i.e., the condition that a marker indicating that the still image file is a file of a progressive JPEG format is not present in a range from a marker indicating an image start to a marker indicating a scan start with of the inputted header, and in a case that a code indicating the JPEG format is present. Nevertheless, the Office Action relies on column 2 lines 26-35 of *Hintzman et al.* for teaching of such condition.

Applicant respectfully disagrees. In column 2 lines 26-35, *Hintzman et al.* merely discloses markers such as START OF SCAN, START OF IMAGE, END OF IMAGE, and RESTART. *Hintzman et al.* is completely silent about “a marker indicating that the still image file is a file of a progressive JPEG format”, as claimed in the present invention. Accordingly, Applicant respectfully submits that the teaching of *Hintzman et al.* does not overcome the deficiency of *Um et al.*, *Ito et al.*, *St. Pierre*, and *Kubota et al.* set forth above. Therefore, Applicant respectfully requests the rejections of independent claims 1, 2, 6, and 10 be withdrawn. Furthermore, claims 3-5, 7-9, and 11-13 depend from allowable independent claims 2, 6, and 10, respectively. Applicant respectfully asserts that these dependent claims also are allowable at least because of the additional features they recite and the reasons set forth above.

CONCLUSION

In view of the foregoing Amendment Accompanied by RCE, Applicant respectfully requests reconsideration and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested, and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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